

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,	§	
	§	
Plaintiff,	§	C.A. No. 2:23-cv-00628-JRG
v.	§	
	§	
MICRON TECHNOLOGY, INC.,	§	
MICRON SEMICONDUCTOR	§	
PRODUCTS, INC., AND MICRON	§	
TECHNOLOGY TEXAS LLC,	§	
	§	
Defendants.	§	

**DEFENDANTS’ NOTICE OF
PTAB DETERMINATIONS OF UNPATENTABILITY**

Pursuant to this Court’s Standing Order Requiring Notice of Relevant Determinations from Related Proceedings, Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, “Defendants” or “Micron”) submit this notice of determinations by the Patent Trial and Appeal Board (“PTAB”).

In its Amended Complaint (Dkt. 14), plaintiff Netlist, Inc. (“Netlist”) seeks a declaration that it did not violate Idaho state law barring bad-faith assertions of patent infringement (Idaho Code § 48-1703) by asserting, among others, U.S. Patent Nos. 10,860,506, 10,949,339, 11,232,054, 11,016,918, 8,787,060, and 9,318,160 against Micron in patent infringement litigation pending before this Court (*Netlist, Inc. v. Micron Technology, Inc., et al.*, Case No. 2:22-cv-203-JRG (E.D. Tex.)).¹

¹ Netlist also seeks similar declarations with respect to three patents asserted in a separate patent infringement litigation, also pending before this Court.

Micron has pursued *inter partes* review proceedings on all six of these patents. As summarized below, following trial in those proceedings, the PTAB has found all challenged claims of those patents to be unpatentable. The PTAB's final written decisions with respect to each patent are attached hereto as Exhibits A-F.

U.S. Patent No.	<i>Inter partes</i> status
10,860,506	All claims found unpatentable in IPR2023-00205 on October 17, 2023. On October 23, 2023, Netlist informed the court in the patent infringement litigation that it is no longer pursuing infringement of any claim in the '506 patent.
10,949,339	All claims found unpatentable in IPR2023-00204 on October 18, 2023. On October 23, 2023, Netlist informed the court in the patent infringement litigation that it is no longer pursuing infringement of any claim in the '339 patent.
11,232,054	All claims found unpatentable in IPR2023-00405 on December 5, 2023. The PTAB denied Netlist's request for director review of the final written decision on March 18, 2024.
11,016,918	All claims found unpatentable in IPR2023-00406 on December 6, 2023. The PTAB denied Netlist's request for director review of the final written decision on March 18, 2024.
8,787,060	All claims found unpatentable in IPR2022-01428 on April 1, 2024.
9,318,160	All claims found unpatentable in IPR2022-01427 on April 1, 2024.

Dated: April 4, 2024

Respectfully submitted,

/s/ G. Blake Thompson

G. Blake Thompson

State Bar No. 24042033

Blake@TheMannFirm.com

MANN | TINDEL | THOMPSON

112 E. Line Street, Suite 304

Tyler, Texas 75702

Tel: (903) 657-8540

Fax: (903) 657-6003

Jared Bobrow (CA State Bar No. 133712)

Jason Lang (CA State Bar No. 255642)

ORRICK, HERRINGTON & SUTCLIFFE LLP

1000 Marsh Road

Menlo Park, CA 94025

Tel: (650) 614-7400

Fax: (650) 614-7401

jbobrow@orrick.com

jlang@orrick.com

Kim B. Goldberg (NY State Reg. No. 4883310)

Pro Hac Vice

ORRICK, HERRINGTON & SUTCLIFFE LLP

51 West 52nd Street

New York, NY 10019-6142

Tel: (212) 506-5203

Fax: (212) 506-5151

kgoldberg@orrick.com

***Attorneys for Defendants Micron Technology,
Inc., Micron Semiconductor Products, Inc.,
and Micron Technology Texas LLC***

CERTIFICATE OF SERVICE

The undersigned certifies that on April 4, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5.

/s/ G. Blake Thompson
G. Blake Thompson